

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LUDMILLA WELLS,

Plaintiff,

v.

Case No: 2:19-cv-859-JLB-NPM

BOARD OF TRUSTEES OF
FLORIDA GULF COAST
UNIVERSITY,

Defendant.

ORDER

The Magistrate Judge filed a Report and Recommendation (“R&R”) in this matter on February 8, 2021, recommending that Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint (Doc. 15) be granted in part and denied in part. (Doc. 36.) No objections have been filed.

A district judge may accept, reject, or modify the magistrate judge’s R&R. 28 U.S.C. § 636(b)(1)(C). The factual findings in the R&R need not be reviewed de novo in the absence of an objection, but legal conclusions are always reviewed de novo. Id.; Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993).

After an independent review of the record—and noting that no objections have been filed—the Court agrees with the well-reasoned R&R.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendation (Doc. 36) is **ADOPTED**.
2. Defendant's Motion to Dismiss Plaintiff's Amended Complaint (Doc. 15) is **GRANTED in part** and **DENIED in part**.
3. The Court **DISMISSES** Count II (retaliation under the Florida Civil Rights Act), Count III (breach of contract), and Count IV (unjust enrichment) of Plaintiff's Amended Complaint (Doc. 14) for lack of subject matter jurisdiction.
4. **On or before March 23, 2021**, Plaintiff must file a Second Amended Complaint consistent with the Report and Recommendation. (See Doc. 36.)
5. Defendant's Motion to Dismiss (Doc. 15) is **DENIED** to the extent it seeks any greater or different relief than this Order grants.

ORDERED at Fort Myers, Florida, on March 9, 2021.

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is written in a cursive, flowing style.

JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE